

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KATHLEEN WHITE MURPHY and
THOMAS WHITE,

Plaintiffs,

v.

ELIZABETH RICHERT,

Defendant.

Case No.: 15-cv-08185

Magistrate Judge Heather K. McShain

MOTION TO ENTER JUDGMENT IN FAVOR OF DEFENDANT AND AGAINST PLAINTIFFS FOR COUNT I, PLAINTIFFS' FIRST AMENDED COMPLAINT, AND MOTION FOR COSTS AND ATTORNEYS' FEES PURSUANT TO FED. R. CIV. P. 54(D)(1), (2), ARIZONA LAW, AND OTHERWISE, AND FOR OTHER RELIEF

Elizabeth Richert, pro se, hereby moves the Court for an award of costs and attorneys' pursuant to Fed. R. Civ. P. 54(d)(1), (2), Arizona law, and otherwise, and for other relief, and as grounds states as follows:

1. On August 28, 2018, the Court granted summary judgment to Defendant for Count I of Plaintiffs' *First Amended Complaint*, (Doc. # 228, Doc. # 173).

2. On May 27, 2021, the Court entered its *Memorandum Opinion and Order*, along with *Judgment* in favor of Plaintiffs and against Defendant for Count II of Plaintiff's *First Amended Complaint*, (Doc. ## 467, 468). The Court's (Doc. # 467) *Memorandum Opinion and Order*, with multiple erroneous statements of fact, conclusions drawn therefrom, and more, was 86 pages in length. Despite the foregoing, the Court failed to enter judgment against Plaintiffs and in favor of Defendant for Count I of Plaintiff's *First Amended Complaint*.

3. Defendant's *Respondent Elizabeth K. Richert's Answer and Affirmative Defenses to Amended Petition for Production of Deed and Accounting*, (Doc. # 196), requests the following relief "...that this Court enter judgment in her favor and against Anna White, ... dissolving the

lis pendens; awarding title to the Buffalo Grove real estate; awarding damages resulting from the lis pendens; awarding damages for vexatious litigation; awarding damages for any bad acts on the part of Plaintiff while holding the real estate away from Richert; awarding punitive damages, attorneys' fees, costs, compensation, and for whatever other relief this Court deems appropriate," (*id.*, p. 6). Defendant is entitled to some if not all of the relief sought.

4. In addition, Defendant is entitled to recover her costs for defending against Plaintiff's Count I, *Petition for Production of Deed and Accounting*, under Fed. R. Civ. P. 54(d)(1).

5. Limited to Count I, Plaintiffs made a multitude of false representations in their Count I *Petition for Production of Deed and Accounting*; hid behind Anna White, holding Anna White out as plaintiff, while failing and refusing to disclose Anna White's pre-trial condition to Defendant and the Court, and continuing to do so until, to prevent Defendant taking Anna White's deposition after the Court so ordered, Plaintiffs executed a Stipulation barring testimony from Anna White, proffered and otherwise, from these proceedings. Plaintiffs filed multiple disingenuous and/or perjurious affidavits; suborned perjury; tampered with evidence; made false representations to the Court; knowingly and willingly failed to admit, under oath, that Defendant paid for the former subject property; violated the Court's directives; violated Court orders, and more. The foregoing conduct subjects Plaintiffs to an award of attorneys' fees in favor of Defendant and against Plaintiffs, pursuant to the bad faith exception to the American Rule, and otherwise.

6. Moreover, Defendant may be entitled to recover costs, attorneys' fees, and further relief under other applicable local, state, and/or federal rules or law.

7. Fed. R. Civ. P. provides that a claim for attorney's fees and related nontaxable expenses must be made by motion, Fed. R. Civ. P. 54(d)(2)(A), and be filed no later than 14 days after the entry of judgment, unless a statute or a court order provides otherwise, Fed. R. Civ. P. 54(d)(2)(B). Defendant's Motion is timely filed.

8. On June 9, 2021, Defendant filed a *Motion for Leave to File a Petition for Costs and/or Attorneys' Fees and/or Other Relief, Pursuant to Fed. R. Civ. P. 54(D)(1), (2), Arizona Law, and Otherwise, and for Further Relief* however, at the time of this writing the Court has not ruled on Defendant's June 9, 2021 Motion.

9. Defendant has a constitutional right to defend against the Court's multiple May 27, 2021 and May 28, 2021 Orders, and more. In so doing, Defendant has far exceeded her of record, physical limitations due to multiple disabilities. In addition to Defendant's request for leave to file this Motion, Defendant's June 9, 2021 Motion requested additional time within which to complete other filings. At the time of this writing, Defendant is only able to estimate her costs and attorneys' fees for defending against Plaintiffs' Count I, *First Amended Complaint*, to be in excess of \$300,000.00, pursuant to Fed. R. Civ. P. 54(d)(2)(B)(iii).

WHEREFORE, Defendant respectfully prays the Court grant her the following relief:

A. Entering an Order of Judgment against Plaintiffs and in favor of Defendant for Count I of Plaintiffs' *First Amended Complaint*, including compensatory damages pursuant to Doc. # 196, and ¶ 3, supra, costs, pre-judgment and post-judgment interest thereon;

B. Granting Defendant additional time within which to file all materials in support of her Motion for costs and attorneys' fees, pursuant to this, and Defendant's June 9, 2021 Motion;

C. Granting such other and further relief as the Court deems just and proper.

Dated: June 10, 2021.

Respectfully submitted,

/s/ Elizabeth Richert
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NOTICE OF FILING AND CERTIFICATE OF SERVICE

I hereby certify that undersigned caused a copy of the foregoing to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, on June 10, 2021.

/s/ Elizabeth Richert
Elizabeth Richert